

REMARKS

Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein.

Rejection under 35 U.S.C. §112

The Examiner asserts that claims 1-2, 19-20, 23-24, and 34-35 are not supported by the written description. Specifically, the Examiner asserts that there is no disclosure that “the light having the first wavelength and the light having the second wavelength can be blended based, at least in part, on durations of the first emission time period and the second emission time period.” (emphasis in original)

Applicants respectfully direct the Examiner’s attention to pages 10-12 of the application, for example, which describes how different colored light can be blended based on the emission time periods by adjusting the time periods. Claim 1 has been amended in an attempt to more clearly described the claimed subject matter, and therefore meets the requirements of §112. This also applies to claims 2, 19-20, 23-24, and 34-35.

Further, Claim 7 has been amended in compliance with the Examiner’s request.

Rejections under 35 U.S.C. §103 based on Matsui et al., and others.

The Examiner asserts that claims 1-9, 19, 20 and 23-48 are obvious based on various combinations of three to five references, where each combination relies Matsui et al. (U.S. 6,281,949) and/or Corrigan (U.S. 6,480,634) as showing certain limitations. Specifically, regarding claim 1, on Page 4 of Paper # 16, the Examiner states:

In addition, Matsui discloses

something similar to blending of the first and second light wavelengths based on the durations of the first and second light emission time periods.

Likewise, with regard to claim 23, Examiner states at Page 12 of Paper #16:

In addition, Matsui discloses something

similar to blending of the first and second light wavelengths based on the durations of the first and second light emission time periods.

Moreover, in response to Applicants' previous arguments, the Examiner states on page 21 of Paper #16 (see also pg. 22) that:

With regards to the applicant's argument a detail response to them are presented by the examiner: 1) On pages 18-20 of REMARKS and as pertaining to claims 1-3, 5-6, 19-20 and 44-48 and Matsui and Corrigan, the examiner disagrees with applicant to which Matsui does disclose something similar to the blending of the light wavelengths based on the durations of the time periods (col. 17, lines 4-42, see rejection above based on claims 1-2 and 19-20). Furthermore, Corrigan also disclose something similar to the blending of the light wavelengths based on the durations of the time periods (col. 7, lines 38-45).

Thus, even assuming the Examiner's assertions are correct, they are based on the notion that showing something "similar" to the claimed elements is sufficient. Applicants disagree.

In a proper rejection under §103 "the prior art reference (or references when combined) must teach or suggest all the claim limitations," not merely something "similar" to that which is claimed. See MPEP §2143. Things that are "similar" are still different. If even after combining three references, the best that is shown is something "similar" to the claims, then a *prima facie* case of obviousness has not been made.

The Examiner has relied on the allegation that the prior art merely shows something similar to the claimed elements, and therefore the rejection should be withdrawn. This allegation forms the basis of the rejection for all pending claims, and therefore the above argument is fully responsive to the standing rejections.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 19, 2004.


Lisa Holstein

Respectfully submitted,


KOLISCH HARTWELL, P.C.

John D. Russell

Registration No. 47,048

Customer No. 23581

Attorney for Applicant(s)

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679